

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CRAIG WILTZ §
VS. § CIVIL ACTION NO. 1:06cv303
STATE OF TEXAS §

MEMORANDUM OPINION

Plaintiff Craig Wiltz, an inmate confined at the Jefferson County Correctional Facility, proceeding *pro se*, filed this civil rights lawsuit.

Factual Background

Plaintiff states that inmates confined at the Jefferson County Correctional Facility were not evacuated from the area during Hurricane Rita in September 2005. He states the inmates were merely moved to the old jail in downtown Beaumont. He further complains of conditions at the old jail.

Analysis

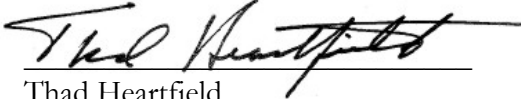
The Civil Rights of Institutionalized Persons Act of 1980, as amended, provides that no action shall be brought concerning prison conditions by a prisoner confined in a jail, prison or other correctional facility until the administrative remedies at such facility are exhausted. 42 U.S.C. § 1997e. A prisoner must exhaust administrative remedies regardless of the type of relief he seeks and regardless of whether the particular type of relief sought is available through applicable grievance process. *Booth v. Churner*, 532 U.S. 731, 741 (2001).

Plaintiff does not allege he exhausted his administrative remedies prior to filing this lawsuit. As plaintiff did not exhaust his administrative remedies prior to filing this lawsuit, his complaint will be dismissed without prejudice for failure to exhaust administrative remedies. Plaintiff will be free to refile his lawsuit after exhausting his administrative remedies.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed for failure to exhaust administrative remedies. A final judgment shall be entered in accordance with this memorandum opinion.

SIGNED this the 30 day of June, 2006.


Thad Heartfield
United States District Judge